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May 10, 2021

BY ELECTRONIC CASE FILING – FILED UNDER SEAL

The Honorable Pamela K. Chen
United States District Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Carlos Martinez*, Case No. 15-cr-252
(Def. No. 33) (PKC)

Dear Judge Chen:

I represent Defendant Carlos Martinez in the above-captioned case, pending before Your Honor. Through this letter, Mr. Martinez moves for an Order allowing him to file his [REDACTED] letter motion seeking a modification of his conditions of release (attached hereto as Exhibit 1), and Exhibits A and B to Mr. Martinez's motion seeking a modification of the conditions of his release, under seal. The reasons for Mr. Martinez's request are as follows.

Mr. Martinez recognizes that there is a presumptive right in American courts of public access to judicial records. *See, e.g., Nixon v. Warner Comms., Inc.*, 435 U.S. 589, 597 (1978). Access, however, is not automatic. The decision of whether to grant this access is “best left to the sound discretion of the trial court.” *United States v. E. Air Lines, Inc.*, 923 F.2d 241, 245 (2d Cir. 1991) (citing *Nixon*, 435 U.S. at 599). This discretion is to be “exercised in light of the relevant facts and circumstances of the particular case.” *Id.*

Mr. Martinez's letter motion attached hereto as Exhibit 1 seeks the Court's leave to travel [REDACTED] from May 17, 2021 through May 24, 2021. The purpose of this travel is to [REDACTED]

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The reasons for Mr. Martinez's request are [REDACTED]

[REDACTED] Additionally, Mr. Martinez respectfully requests the Court's leave to file his motion under seal, [REDACTED]

[REDACTED] Given the basis of Mr. Martinez's request, it would be a proper use of the Court's discretion to deny public access to this [REDACTED]

In the event the Court denies this request, Mr. Martinez respectfully requests the Court to return this letter to undersigned counsel so that it is not publicly filed or, in the alternative, allow Mr. Martinez the opportunity to file a redacted version of his letter motion, attached hereto as Exhibit 1, on the public record.

On May 7, 2021, Mr. Martinez sought the United States' position on the relief requested herein. Assistant United States Attorney Kristin Mace represented that the United States does not object to the relief requested herein.

On May 7, 2021, undersigned counsel sought the United States Pretrial Services Office and the United States Probation Office's positions on the relief requested herein. United States Pretrial Services Officer Ramel Moore represented that his office does not object to the relief requested herein. At the time of the filing of this motion, Mr. Martinez was unable to obtain the position of the United States Probation Office.

This is Mr. Martinez's [REDACTED] application to file a motion under seal in the above-captioned matter.

Wherefore, for the reasons cited herein, it is respectfully requested that the Court grant this application and issue an Order allowing Mr. Martinez to file his [REDACTED] letter motion seeking a modification of the conditions of his release, attached hereto as Exhibit 1, and Exhibits A and B to Mr. Martinez's motion seeking a modification of the conditions of his release, under seal.

Respectfully submitted,

Julia M. Coleman

Julia M. Coleman
Steven J. McCool
Michael Cornacchia
Ramon Abadin

Counsel for Carlos Martinez

cc: Counsel for the United States (by e-mail)
Supervising U.S. Pretrial Services Officer Ramel Moore (by e-mail)
U.S. Probation Officer Juan Nunez (by e-mail)

EXHIBIT 1

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Re: *United States v. Carlos Martinez*, Case No. 15-cr-252
(Def. No. 33) (PKC)

Dear Judge Chen:

I represent Defendant Carlos Martinez in the above-captioned case, pending before Your Honor. Through this letter, Mr. Martinez moves for an order permitting him to travel [REDACTED] from May 17, 2021 through May 24, 2021. The purpose of this travel is to [REDACTED]
[REDACTED]

Under his conditions of release, Mr. Martinez must remain in the Southern District of Florida. *See* ECF 1369, at 3, ¶ 1. Mr. Martinez is permitted to travel to New York City, Washington, D.C., and the Eastern District of Virginia, provided that he notifies “Pretrial Services no later than 3 days prior to the date of travel and provide[s] the dates he will be outside of the Southern District of Florida, if more than 1 day, to Pretrial Services.” *Id.* Should Mr. Martinez travel outside of the Southern District of Florida, he “shall be monitored as required by Pretrial Services.” *Id.* at ¶ 5. Mr. Martinez also “surrender[ed] any and all passports to Pretrial Services, including his U.S. and Mexican passports,” as a condition of his release. *Id.* at ¶ 4.

Through this motion, Mr. Martinez seeks the Court’s permission to travel [REDACTED] from May 17, 2021 through May 24, 2021. The reasons for and relevant details of this trip is as follows:

Mr. Martinez seeks the Court’s permission to travel [REDACTED] on May 17, 2021. From May 17, 2021 through May 20, 2021, [REDACTED]

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Mr. Martinez will [REDACTED]
abide by his 11:00 p.m. – 6:30 a.m. curfew [REDACTED]

On May 21, 2021, Mr. Martinez will travel [REDACTED]
[REDACTED] From May 21, 2021 through May 23, 2021,

Mr. Martinez will [REDACTED]
abide by his 11:00 p.m. – 6:30 a.m. curfew [REDACTED]

[REDACTED] On May 23, 2021, Mr. Martinez will travel [REDACTED]
Mr. Martinez will [REDACTED] abide by his
11:00 p.m. – 6:30 a.m. curfew [REDACTED] Mr. Martinez will return [REDACTED]
[REDACTED] on May 24, 2021. [REDACTED]

Mr. Martinez seeks a modification of his curfew on May 17, 2021, [REDACTED]
[REDACTED] For this reason, Mr. Martinez requests that
his curfew on May 17, 2021 end at 5:00 a.m., instead of 6:30 a.m. Mr. Martinez also seeks a
modification of his curfew on May 24, 2021, [REDACTED]

[REDACTED] For this reason, Mr. Martinez requests that his curfew on May 24, 2021 end at 5:00 a.m.,
instead of 6:30 a.m.

The specifics of each of this trip, including Mr. Martinez's proposed [REDACTED] itineraries and
the addresses and phone numbers of the locations where Mr. Martinez will stay, have been
provided to the United States, Pretrial Services, and the U.S. Probation Office.

If the Court grants this motion, counsel of record for Mr. Martinez, Ramon Abadin, will
act as a third-party custodian for Mr. Martinez during his travels. Mr. Abadin will accompany Mr.
Martinez [REDACTED], will remain with Mr. Martinez [REDACTED], and will return with Mr. Martinez
[REDACTED]. Attached as Exhibit B to this motion is a letter from Mr. Abadin, affirming
his willingness and ability to act as a third-party custodian to Mr. Martinez, and to fulfill the
requirements of 18 U.S.C. § 3142(c)(1)(B)(i).

[REDACTED]
[REDACTED]

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[REDACTED]

Given the [REDACTED] nature of the reasons for Mr. Martinez's request, Mr. Martinez has sought to file this letter motion under seal. Should the Court determine that this letter motion should not be filed under seal, Mr. Martinez respectfully requests the opportunity to redact this letter motion before it is filed on the public record.

Mr. Martinez's conditions of release are meant to consist of the least restrictive condition, or combination of conditions, needed to reasonably assure Mr. Martinez's appearance in this matter. *See* 18 U.S.C. § 3142(c)(1)(B). Mr. Martinez has complied with all of his release conditions and cooperated fully with the Pretrial Services and Probation Offices supervising his release. The travel requested by this motion is critical [REDACTED]

[REDACTED]

Mr. Martinez takes his compliance with his release conditions very seriously, [REDACTED]

[REDACTED]

On May 7, 2021, Mr. Martinez sought the United States' position on the relief requested herein. Assistant United States Attorney Kristin Mace represented that the United States objects to the relief requested herein.

Mr. Martinez has complied with all of his release conditions and cooperated fully with the Pretrial Services and Probation Offices supervising his release. On May 7, 2021, undersigned counsel sought the United States Pretrial Services Office and the United States Probation Office's positions on the relief requested herein. United States Pretrial Services Officer Ramel Moore represented that his office objects to the relief requested herein. At the time of the filing of this motion, Mr. Martinez was unable to obtain the position of the United States Probation Office.

This is the [REDACTED] application for a modification of the conditions of Mr. Martinez's pretrial release.

Wherefore, for the reasons cited herein, it is respectfully requested that the Court grant this application and issue an Order permitting Mr. Martinez to travel [REDACTED]

[REDACTED]

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Respectfully submitted,



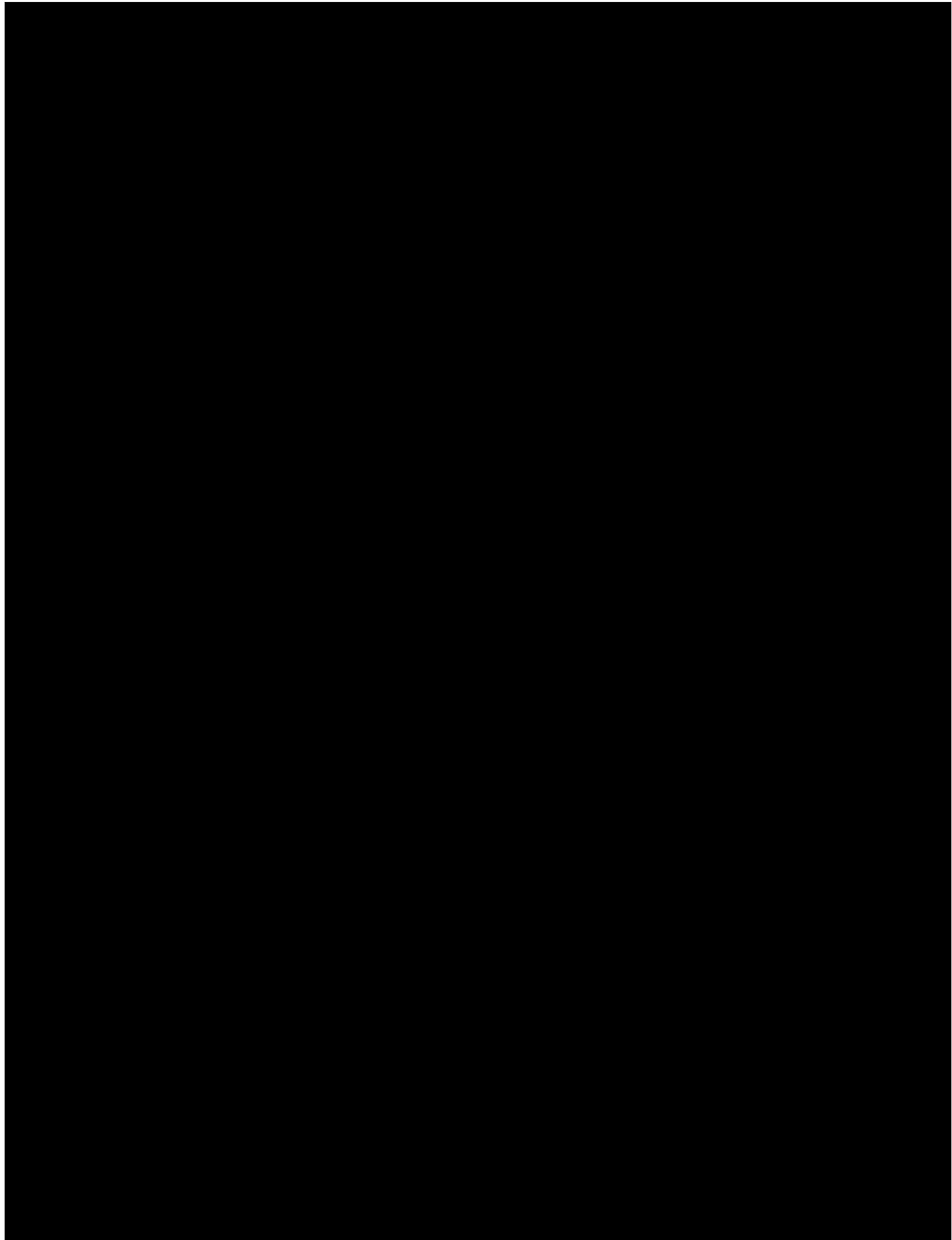
Julia M. Coleman
Steven J. McCool
Michael Cornacchia
Ramon Abadin

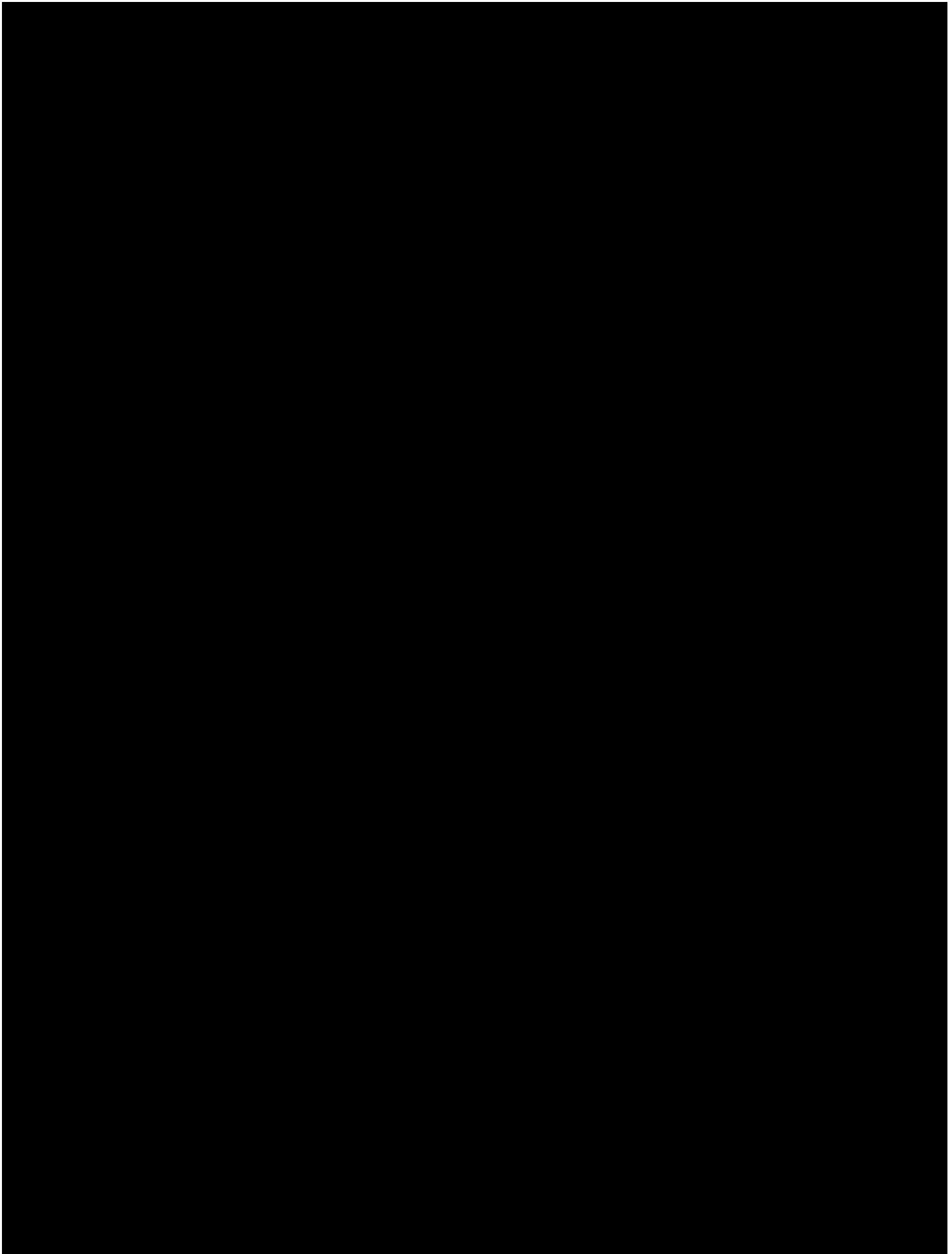
Counsel for Carlos Martinez

cc: Counsel for the United States (by e-mail)
Supervising U.S. Pretrial Services Officer Ramel Moore (by e-mail)
U.S. Probation Officer Juan Nunez (by e-mail)

EXHIBIT A

FILED UNDER SEAL





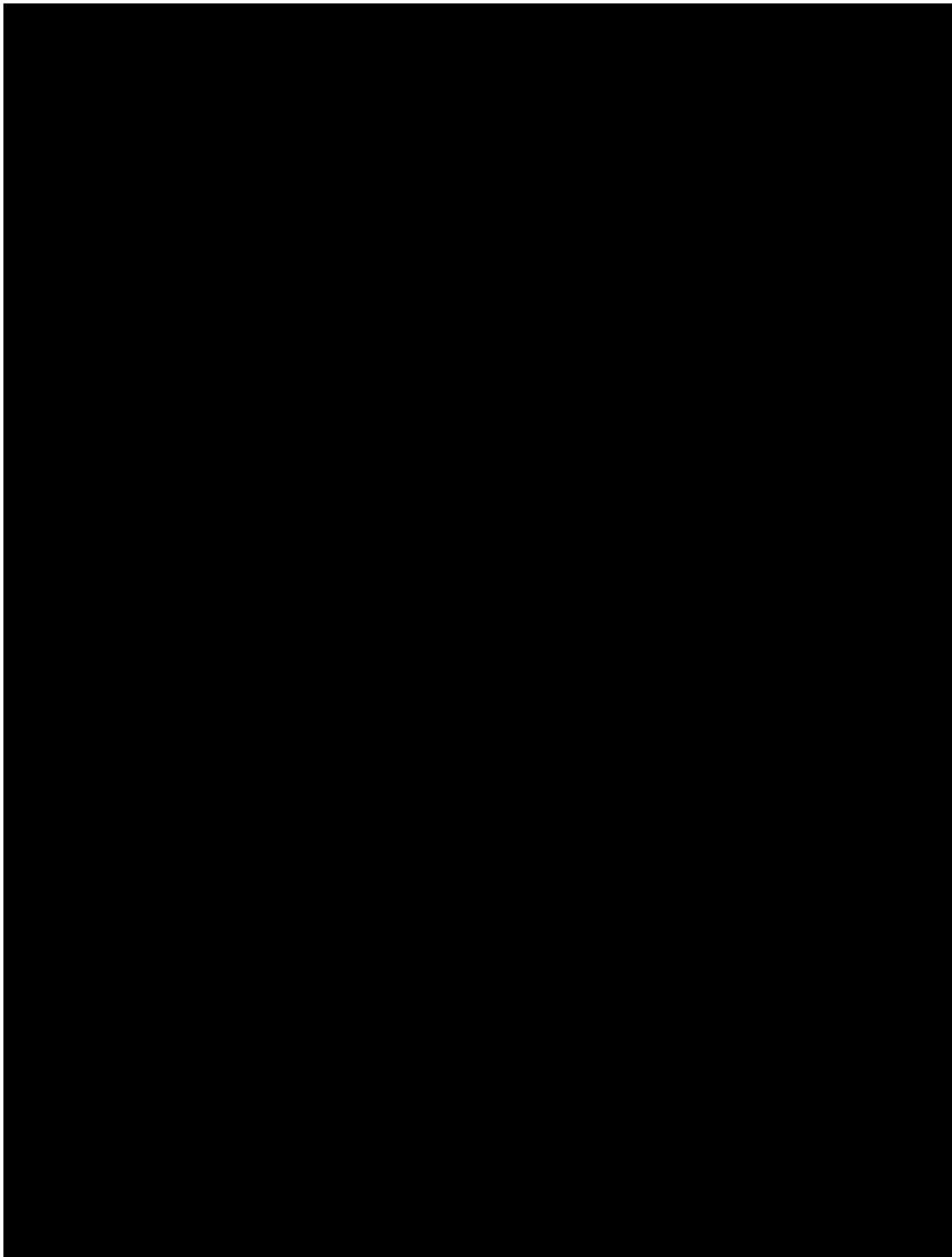


EXHIBIT B

FILED UNDER SEAL

RAMÓN A. ABADIN P.A.

COUNSELOR OF LAW

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Re: *United States v. Carlos Martinez*, Case No. 15-cr-252
(Def. No. 33) (PKC)

Dear Judge Chen:

I, along with Steven McCool, Julia Coleman, and Michael Cornacchia, represent Defendant Carlos Martinez in the above-captioned case, pending before Your Honor. I am submitting this letter in support of Mr. Martinez's letter motion seeking an Order permitting him to travel [REDACTED] from May 17, 2021 through May 24, 2021 [REDACTED]
[REDACTED]

As counsel for Mr. Martinez and an officer of the Court, I hereby affirm that I will act as a third-party custodian for Mr. Martinez during his travels [REDACTED]. *See* 18 U.S.C. § 3142(c)(1)(B)(i). I affirm that Mr. Martinez will remain in my custody while he travels [REDACTED]
[REDACTED] on the dates listed above. *Id.* I further affirm that I agree to assume supervision of Mr. Martinez, and to report immediately any violation of a release condition to the Court. *Id.* As an officer of the Court and counsel of record for Mr. Martinez, I affirm that I am able reasonably to assure the Court that Mr. Martinez will appear as required. *Id.*

I take my dedication to the legal profession and my role as an officer of the court very seriously and uphold my duties as an attorney to the highest standards of ethics and professionalism. I am a native Spanish speaker. In addition to being counsel of record for Mr. Martinez, I am the former President of The Florida Bar Association, and a former President of the Cuban American Bar Association. I am also a Fellow of the American College of Trial Lawyers,

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a member of the Florida Chapters of the American Board of Trial Advocates, the Federation of Defense and Corporate Counsel, and the International Association of Defense Counsel. I have served on the American Bar Association's Standing Committee on the Federal Judiciary, where I was one of only fifteen members appointed to evaluate all prospective nominees to the federal bench in the Eleventh Circuit and nationally, and most recently, to the United States Supreme Court. I have also served on and was chairman of the Third District Court of Appeals Judicial Nominating Commission, and have served on the City of Miami's City Attorney Selection Committee. Additionally, I was a member of the Florida Supreme Court's Commission on Access to Civil Justice and was appointed to serve on the Florida Supreme Court's Long Range Strategic Planning Workgroup. Over the course of my legal career, I have received numerous awards, including the prestigious G. Kirk Haas Award from the Florida Bar, which is awarded annually to one attorney in the State of Florida.

I am available at the Court's convenience to provide any further information the Court may require regarding my affirmation to serve as Mr. Martinez's third-party custodian during his travel [REDACTED] from May 17, 2021 through May 24, 2021. Thank you for your consideration.

Respectfully submitted,

Ramon Abadin

Ramon Abadin

Counsel for Carlos Martinez

cc: Counsel for the United States (by e-mail)
U.S. Pretrial Services Officer Ramel Moore (by e-mail)
U.S. Probation Officer Juan Nunez (by e-mail)